

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

KYLE LANNERT,)	
)	
Plaintiff,)	
)	
v.)	No. 3:19-cv-00190-RLY-MPB
)	
M&N CABLE, LLC,)	
MARCIA PLANK,)	
NICHOLAS GERNER,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION
HON. MAGISTRATE JUDGE MATTHEW P. BROOKMAN

On September 10, 2019, Plaintiff Kyle Lannert ("Lannert") filed this Fair Labor Standards Act matter against M&N Cable, LLC ([Docket No. 1](#)). On March 11, 2020, Lannert filed an Amended Complaint against M&N Cable, LLC; Marcia Plank; and Nicholas Gerner. ([Docket No. 8](#)).

On January 20, 2021, the Court ordered Lannert to show cause on or before February 19, 2021 why this case should not be dismissed pursuant to [Federal Rule of Civil Procedure 41\(b\)](#) due to Plaintiff's failure to prosecute his claims.

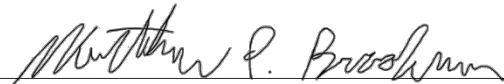
On February 19, 2021, Plaintiff's Counsel filed a Response to the Show Cause Order ([Docket No. 19](#)), wherein counsel stated, "Plaintiff remains unresponsive to Johnson Becker's numerous contact attempts following August 18, 2020." ([Docket No. 19 at ECF p. 2](#)). "Without Plaintiff's cooperation or involvement, Johnson Becker is unable to finalize and file a Motion for Default Judgment or otherwise litigate this matter on Plaintiff's behalf." (*Id.*). In the response, counsel acquiesced to dismissal of the matter without prejudice. Accordingly, the Magistrate

Judge recommends Plaintiff's Complaint be **DISMISSED** without prejudice, pursuant to [Rule 41\(b\) of the Federal Rules of Civil Procedure](#), for Plaintiff's failure to prosecute this matter.

Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with [28 U.S.C. § 636\(b\)\(1\)](#) and [Fed. R. Civ. P. 72\(b\)](#). Failure to timely file objections within fourteen days after service shall constitute a waiver of subsequent review absent a showing of good cause for such failure.

SO RECOMMENDED.

Dated: February 22, 2021

A handwritten signature in black ink, reading "Matthew P. Brookman", is written over a horizontal line.

Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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